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Evan John Kaye

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EXAMINER

FLEISCHER, MARK A

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,228	<b>Applicant(s)</b> KAYE, EVAN JOHN	
	<b>Examiner</b> MARK A. FLEISCHER	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the Amendments filed on 2 February 2009.
2. Claims 1 and 4 have been amended.
3. Claims 1–7 are currently pending and have been examined.

### ***Response to Amendments***

4. The objection to claim 4 is withdrawn in light of Applicant's amendment.
5. The rejection of claim 4 under 35 U.S.C. 112, second paragraph is withdrawn in light of Applicant's amendment.
6. The rejections of claims 1 – 7 under 35 U.S.C. §101 are maintained for reasons set forth below.
7. The rejections of claims 1 – 5 under 35 U.S.C. §102(a) are withdrawn with new rejections applied to these claims as noted below.
8. The rejections of claims 6 and 7 under

### ***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. In an effort to elucidate the applicability of the selected prior art, the Examiner has provided a further explanations in support of the rejections below and in response to Applicant's arguments.
10. With regard to the limitations of claim 1, Applicant essentially argues that the cited prior art of Wooten teaches "the physician is not providing advice, but rather is letting salespeople know when the physician is willing to receive sales pitches..." (Remarks, p.4) and thus does not read on 'a date on which a participant is willing to provide expert advice'. Applicant further argues that Wooten fails to teach the "qualifications" elements of claim 1.

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11. With regard to the other arguments offered by the Applicant with respect to the remaining claims, the use of additional references and a change of the basis of rejection shows that the instant invention is an obvious variation of what is known in the art when combined in predictable ways with other art as noted below. Note also the additional references listed at the end of this Office Action for other pertinent art.
12. Regarding the **Official Notice** that it is old and well-known as well as common place in the internet-related arts that clicking on a link in a web-browser causes a file to be downloaded and displayed, hence corresponds to a *publication*, Clarke (US 7062453 B1) states "Furthermore, conventional e-commerce sites typically feature data driven web sites that can only display product offerings through a web page downloaded to a standard browser." (emphasis added) where a 'web-page' is a file stored on a server and also constitutes a publication as it is viewed and possibly read. This reference is but one of 1,141 references obtained in a search using the search terms "click same web same browser same download\$3" (see Examiner's Search Notes attached to this Office Action). This **Official Notice** is exceedingly obvious and old and well-known.
13. Regarding this **Official Notice**, Applicant has failed to adequately rebut Examiner's **Official Notice**. Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's

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assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

14. Applicant has not "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Applicant statements do not amount to a sufficient traversal because the attempted traversal merely states that the other prior art (Maes) does not support the rejection. As noted below, this rejection has been modified to include additional prior art. Notwithstanding the additional prior art, the Official Notice stands on its own and its connection or association with other art is irrelevant insofar as the basic statements of the Official Notice. Examiner does not believe that an improper reference derogates from the relevance of an Official Notice. For these reasons, the statement that it is old and well-known as well as common place in the internet-related arts that clicking on a link in a web-browser causes a file to be downloaded and displayed, hence corresponds to a *publication* is taken to be admitted prior art.
15. With regard to the Applicant's assertions that the prior art of record does not fairly teach or disclose each and every limitation contained within the claims, it appears as if the Applicant is reading limitations into the claims from the specification. Consequently, the points argued are not recited in the claims themselves. For that reason, a solid argument in their contemplation cannot be established. Subsequent amendments to the claim language that would include the positions presented by the Applicant's arguments would provoke the Examiner to address the claims individually and as a whole, in light of the remaining limitations as well as the specification. Until such amendments are rendered, the arguments are disregarded and will not be countered.
16. In summary, the Examiner has taken the broadest and most reasonable interpretation of the claim limitations *as written*, in light of the specification. Although the specification may contain recitations of intended use, alternative points of view and subjective interpretative differences between the prior art of record and the present invention as premeditated, it is the claims

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themselves that are given patentable weight only inasmuch as they are constructed. Because the claimed invention has been painted with the broad stroke of petitioning for limitations that encompasses more than is asserted in the Applicant's claims, the prior art of record along with the additional references noted below continues to fully disclose the Applicant's inventions as *claimed*.

***Claim Rejections - 35 USC § 101***

17. 35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

18. Claims 1–7 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876). An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a §101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. Examiner notes that many of the limitations in these claims appear to constitute method steps which, when tied to another statutory category as stated above, could render them to be within the statutory framework and that while these claims do recite some components of the elements of another statutory class, they are insufficient to substantively tie them to another statutory class in that no correspondence is discernable between the various method steps and the particular components

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of the computer system. Examiner suggests that appropriately using the phrase “a computer-executable program tangibly embodied on a computer readable medium” instead of merely stating “receiving on a computer” is a suggestion for how to bring this claim into compliance with 35 U.S.C. §101 because “a computer-executable program tangibly embodied on a computer readable medium” is statutory subject matter.

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1–5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wooten, *et al.* (US PgPub 20030088479 A1) in view of Deh-Lee (US PgPub 20030140037 A1).

#### **Claim 1:**

Wooten teaches the following limitations as shown.

*A method for scheduling call consultations* (Wooten, abstract, see also [0053]: “In this example, an on-line scheduling consultation is conducted between a pharmaceutical sales representative and a physician.” (emphasis added)), *comprising*:

- *receiving on a computer an electronic request* (Wooten [0008] teaches use of computer readable medium and computer system. Wooten, [0054]: “...entering and submitting a consultation request into the physician’s electronic calendar.” (emphasis added) where ‘electronic ...’ in conjunction with ‘request’ corresponds to *receiving an electronic request*. Note that in ‘entering and submitting’ some entity is also *receiving*) *from a first participant for one or more on call dates* (Wooten, abstract: “Online scheduling systems comprise a scheduling module having an

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electronic calendar showing a plurality of time slots." (emphasis added) and from [0053] above, either the pharmaceutical sales representative or physician corresponds to *a first participant* and 'time slots' corresponds to *on call dates*.) *said on call dates being dates on which said participant is willing to provide expert advice* (Wooten [0005] states "Also, it would be advantageous to have a system that allowed pharmaceutical sales representatives the opportunity to schedule consultations from a list of time that the physician has designated as being available for consultation. In this way, the system would provide an orderly method of allowing pharmaceutical sales representatives to schedule consultations with physicians without constant intrusion on the part of the sales representatives." (emphasis added);

- *assigning with said computer one or more on call dates to said participant* (Wooten [0025]: "Booked time slots [ ] are those that the buyer has indicated as being available and that a seller has selected for scheduling a consultation. [...] Confirmed time slots [ ] are those that the seller has confirmed his/her presence at a consultation's scheduled date and time." (emphasis added)); *and*
- *notifying with said computer potential callers of said first participant's on call dates* (Wooten [0036]: "[...] the online scheduling system [ ] further comprises a notification module [...] in communication with the scheduling module [...] configured to notify buyers [ ] and sellers [...] of a scheduled consultation [ ]." (emphasis added)) *and qualifications* (Wooten [0045]: "In addition, a buyer may also have the ability to add exclusion data to the buver's file. Exclusion data is data that represents particular sellers or particular companies with whom the buyer will not meet, or, with whom the buyer will not meet with representatives of." (emphasis added) where 'exclusion data' corresponds to *qualifications* since the 'buyer's' exclusion is based on attributes which corresponds to *qualifications*.).

Wooten does not specifically teach that such participant provide expert advice, *per se*, although Examiner maintains that the teachings of Wooten provide for 'scheduled consultations' wherein a physician communicating with a sale representative as taught in Wooten is communication between and among experts, Deh-Lee, in a relevant art, does teach that such participants provide expert advice on a range of



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topics. Deh-Lee [0001] teaches a mobile web application that allows a user to access experts. Deh-Lee [0008] also teaches that such qualifications are indicated in "the expert's area of expertise, [that] may be used to rank the experts that are listed in a search result.", hence corresponds to the participant's qualifications. Note also that Deh-Lee [0013] teaches a work assignment that corresponds to the teachings of Wooten regarding availability and scheduling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wooten and Deh-Lee and provide for a system and method that provides for expert consultative advice availability and capability and that the technical capability to combine these features existed at the time of the invention and the results of such combination were predictable.

**Claim 2:**

Wooten teaches the following limitations as shown.

- *receiving electronic feedback information from one or more callers who have called said first participant during said one or more assigned on call dates* (Wooten, abstract: "The feedback module has executable instructions configured to receive feedback data from a buyer interface following a scheduled consultation." (emphasis added) where 'receive ...' corresponds to *receiving electronic feedback information*, 'buyer' corresponds to *one or more callers*, 'scheduled consultation' corresponds to *during said one or more assigned on call dates*. Note that given a 'consultation' there is also implied the *first participant*.); and
- *recording said feedback information in an electronic database* (Wooten, [0040]).

Note that while Wooten does not specifically relate to a participant being an 'expert' as noted in Applicant's Remarks, p.5, Deh-Lee, in a relevant art, does as shown in the rejection of claim 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wooten and Deh-Lee and provide for a system and method that provides for expert consultative advice availability and capability and further maintains and records feedback and transaction data as disclosed in Wooten and that the technical capability to combine these features existed at the time of the invention and the results of such combination were predictable.

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**Claim 3:**

Wooten teaches the following limitations as shown.

- *and wherein a potential caller does not have access to contact information for said participant unless said potential caller has indicated an interest in said topic* (Wooten [0004]: “To attract the interests of physicians, pharmaceutical sales representatives often provide nominal perks such as dinner or other paraphernalia in exchange for a brief meeting with the physician. However, due to their busy schedules, physicians typically do not want to meet with sales representatives they are unfamiliar with, or representatives soliciting products of no interest.” (emphasis added) where reference to ‘interest’ corresponds to *has indicated an interest*. Wooten [0053]: “The physician establishes an account and/or profile with the operator of the host network by providing information [...] After establishing an account, the physician is granted access to various portions of the system to modify and/or enter data as needed.” (emphasis added) and in [0043], “Other relevant information [...] It should be recognized that any combination of data could be entered into the system [ ]. The purpose is simply to identify which buyers are participating.” (emphasis added) where the ‘relevant information’ corresponds to *indicated an interest in said topic*. In [0020]: “In particular, a buyer [ ], such as a physician, could access the system ...” See also [0041] regarding “exclusion data and any other relevant information.”).

Wooten does not specifically teach *assigning said participant to a group associated with a topic*, but Deh-Lee, in an analogous art, does. Deh-Lee [0012] states “An individual expert or group of experts [ ], or a user with permission, may go online to create an expert profile in the Expert Retrieval System [ ]. The expert or user [ ] may use either a land line or wireless connection to access Expert Retrieval System [ ]. The expert profile includes data such as the expert’s contact information as well as his or her area(s) of expertise.” (emphasis added). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wooten and Deh-Lee and provide for a system and method that provides for expert consultative advice availability based on expert topics and categories as this facilitates the assignments of experts to user requests (Deh-Lee [0018]) and that the

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technical capability to combine these features existed at the time of the invention and the results of such combination were predictable.

**Claim 4:**

Wooten teaches the following limitations as shown.

- *said interest is indicated by said potential caller requesting to speak with a participant associated with said topic* (Wooten [0006]: "The feedback module comprises executable instructions configured to receive feedback data from a buyer interface following a scheduled consultation." (emphasis added) where 'feedback data' "could comprise any type of information that is relevant to the seller/buyer consultation" ([0050]) and 'scheduled consultation' corresponds to an episode where one party *speak[s]* to another.).

Wooten does not specifically teach that *said interest* pertains to a specific *topic*, *per se* (but note the aforementioned quotation from Wooten regarding the term 'relevant'), or that a request to speak to a participant is made, however, Deh-Lee [0019] teaches how a user expresses the subject interest by entering a search request "that is the subject of the consultation, issue categories... and the like.", so as to obtain a listing of experts with "desired expert attributes". Deh-Lee [0026] teaches options, to wit: "If the user wants to consult by email, "email" is selected and an email interface appears enabling the user to send an email message to the expert. If the user want to consult by telephone, "telephone" is selected and the expert's telephone contact information is displayed." (emphasis added) where the obvious implication of a desire (interest) to consult by telephone is *to speak with a participant...* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wooten and Deh-Lee and provide for a system and method that provides for expert consultative advice availability and capability and that the technical capability to combine these features existed at the time of the invention and the results of such combination were predictable.

**Claim 5:**

Wooten teaches the following limitations as shown.

- *said interest is indicated by said potential caller attending one or more events associated with said topic* (Wooten [0005]: "Finally, it would also be advantageous to provide a system that

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collected data relating to the consultation between the physician and the sales representative. The data could be used by the sales representative to improve the sales presentation, or by the pharmaceutical companies to determine which sales representatives have superior selling approaches, or for any other variety of uses.” (emphasis added) where ‘collected data...’ corresponds to *interest is indicated*, and ‘sales presentation’ corresponds to *one or more events* which *ipso facto* indicates an *attend[ance]* to such event. This information relates to *feedback* information cited above.).

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten, *et al.* (US PgPub 20030088479 A1) in view of Deh-Lee (US PgPub 20030140037 A1) and further in view of Maes, *et al.* (US PgPub 20020002502 A1).

**Claim 6:**

Wooten does not specifically teach the following limitations, but Maes, in an analogous art, does as shown.

- *said interest is indicated by said potential caller downloading one or more publications related to said topic* (Maes [0079]: “In another embodiment, the behavior of the user interface allows a user interested in learning about the underlying product space to do so by explicitly requesting more information by, for example, clicking on the product with the right mouse button. Thus, the user can quickly scan through a space visually [...]” (emphasis added) where ‘interested in ...’ corresponds to *interest is indicated* and ‘clicking on the product’ as through a web-browser (e.g., [0075]) which corresponds to *downloading one or more publications...* Although Maes does not use the term ‘downloading’, Examiner takes **Official Notice** that it is old and well-known as well as common place in the internet-related arts that clicking on a link in a web-browser causes a file to be downloaded and displayed, hence corresponds to a *publication*. See e.g., the reference to Clarke.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made use the known techniques of Maes to further develop feedback information for use as in Wooten

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and Deh-Lee because such feedback information is useful in helping create better marketing (Wooten [0050]) and the benefits of using such information would have been predictable.

22. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten, *et al.* (US PgPub 20030088479 A1) in view of Deh-Lee (US PgPub 20030140037 A1) as applied to Claim 2 in view of Katz (US 6148065).

**Claim 7:**

Wooten teaches the following limitations as shown.

- *transmitting an electronic invitation to said participant to request an on call date ...*(Wooten [0054]: “The sales representative locates a physician and schedules a consultation by entering and submitting a consultation request into the physician's electronic calendar.” (emphasis added) where ‘request’ corresponds to *an electronic invitation* and ‘electronic calendar’ corresponds to *request an on call date* that is in electronic form.).
- *and wherein said participant has received positive feedback for one or more calls related to said topic* (Wooten [0035]: “...configured to receive feedback data in the form of answers to a plurality of questions transmitted to the buyer [ ].” (emphasis added) where ‘receive feedback...’ corresponds to *participant has received positive feedback* and ‘plurality of questions’ corresponds to *a topic*.)

Wooten does not specifically teach that the *electronic invitation* pertain to a given *topic* or that there is an *association* between a *participant* and a *topic* based on a *predetermined number of callers [that] have expressed interest in said topic and wherein said participant has received positive feedback for one or more calls related to said topic*, but Katz, in an analogous art, does as shown.

- *associating said participant with a topic, wherein a predetermined number of callers have expressed interest in said topic*, (Katz [1,61]: “...statistically analyze acquired data, as in combination and in association with external data (time independent), and accordingly to isolate a subset of the callers with verifiable identification.” (emphasis added) and in Katz [20, 13]: “For example, the commentator may be statistically informed as to the numbers of callers holding specific views.” (emphasis added) where ‘holding specific views’ corresponds to *a topic*. See also

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[12,62]: "...excess of a predetermined number of calls..." where such threshold values provide useful statistical information and where there is thus an association between callers and topics as indicated by 'statistical analysis'.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made use the known techniques of telephonic statistical analysis of Katz to further develop useful feedback information for use as in Wooten because such feedback information is useful in helping create better marketing (Wooten [0050]) and the benefits of using such information would have been predictable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure are:

- Clarke (US 7062453 B1) teaches how clicking on a link on a web page, causes a browser to download a file and publication.
- Battilega, et al. (US PgPub 20010037363 A1) teaches a method and system for consulting services.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and**

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Mark A. Fleischer  
/Mark A Fleischer/  
Examiner, Art Unit 3624

31 March 2009

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624